

THEODORE J. BOUTROUS JR., SBN 132099 (*pro hac vice*)  
tboutrous@gibsondunn.com  
CATHERINE A. CONWAY, SBN 98366 (*pro hac vice*)  
cconway@gibsondunn.com  
JESSE A. CRIPPS, SBN 222285 (*pro hac vice*)  
jcripps@gibsondunn.com  
GIBSON, DUNN & CRUTCHER LLP  
333 South Grand Avenue  
Los Angeles, CA 90071-3197  
Telephone: 213.229.7000  
Facsimile: 213.229.7520

(additional counsel on signature page)

Attorneys for Defendants

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

BROOKE CARDOZA, Individually and On  
Behalf of All Others Similarly Situated, et al.,

Plaintiffs,

v.

BLOOMIN' BRANDS, INC., et al.,

Defendants.

CASE NO. 2:13-cv-01820-JAD-(NJK)

**STIPULATION AND ~~[PROPOSED]~~ ORDER  
TO MODIFY THE OPT-IN PLAINTIFF,  
LATE OPT-IN PLAINTIFF CLASS LIST, AND  
NOTICE DEADLINES IN THE  
PRELIMINARY APPROVAL ORDER**

**(FIRST REQUEST)**

Action Filed: October 4, 2013

WHEREAS, on April 11, 2016, the Court granted Plaintiffs' Motion for Preliminary Approval FLSA Class Settlement (ECF No. 428);

WHEREAS, pursuant to the Court's Order Granting Preliminary Approval of the Class Settlement ("Preliminary Approval Order," ECF No. 430), Plaintiffs were required to provide certain information regarding Opt-In Plaintiffs and the Late Opt-In Plaintiffs by April 18, 2016 (collectively, the "Plaintiffs' Opt-In Lists") so that Defendants could identify the Plaintiffs and the Late Opt-In

1 Plaintiffs and prepare Opt-In Plaintiff and Late Opt-In Plaintiff class lists for the Claims  
2 Administrator;

3 WHEREAS, pursuant to the Preliminary Approval Order, Defendants must produce the Opt-  
4 In Plaintiff and Late Opt-In Plaintiff class lists by May 11, 2016 (ECF No. 430);

5 WHEREAS, Plaintiffs sent the required information for the Opt-In Plaintiffs on April 26,  
6 2016, and the information for the Late Opt-In Plaintiffs on April 27, 2016;

7 WHEREAS, Defendants had nine fewer days to prepare the Opt-In Plaintiff and Late Opt-In  
8 Plaintiff class lists because they did not timely receive Plaintiffs' Opt-In Lists;

9 WHEREAS, in order for Defendants to prepare the Opt-In Plaintiff and Late Opt-In Plaintiff  
10 class lists, they must match the individuals in 9,698 entries on Plaintiffs' Opt-In Lists with current  
11 and former employees in their own records;

12 WHEREAS, Defendants' preparation of the Opt-In Plaintiff and Late Opt-In Plaintiff class  
13 lists is more labor intensive than originally anticipated because Defendants have encountered  
14 difficulties in matching the individuals listed on Plaintiffs' Opt-In Lists with employees in their own  
15 records because of issues such as differences in first names used, misspellings of names, and the  
16 inclusion of individuals who do not appear to be current or former employees;

17 WHEREAS, counsel for Plaintiffs and Defendants have met and conferred regarding an  
18 extension of Defendants' deadline to produce the Opt-In Plaintiff and Late Opt-In Plaintiff class lists  
19 from May 11, 2016, to May 24, 2016;

20 WHEREAS, pursuant to the Preliminary Approval Order, the Claims Administrator must mail  
21 the Notice of Class Action Settlement for the Settlement Class Members by June 1, 2016;

22 WHEREAS, the Claims Administrator would need an additional week, until June 8, 2016, to  
23 prepare the mailing of Notice of Class Action Settlement to the Settlement Class Members due to an  
24 extension of Defendants' deadline to produce the Opt-In Plaintiff and Late Opt-In Plaintiff class lists  
25 to May 24, 2016; and,

26 WHEREAS, Plaintiffs and Defendants have determined that the requested extensions of  
27 Defendants' deadline to produce the Opt-In Plaintiff and Late Opt-In Plaintiff class lists and to the  
28 Claims Administrator's deadline to mail the Notice of Class Action Settlement to the Settlement

Class Members would not require a modification of any other dates or deadlines in the Preliminary Approval Order, including the deadline for Plaintiffs' motion for final approval of class settlement and the Final Fairness/Approval Hearing set for November 4, 2016.

THEREFORE, Plaintiffs and Defendants, through the undersigned counsel of record, stipulate and request that the Court modify the Preliminary Approval Order as follows:

1. The deadline for the Defendants to provide the Claims Administrator with class lists for the Opt-In Plaintiffs and Late Opt-In Plaintiffs will be May 24, 2016;

2. The deadline for the Claims Administrator to mail the Notice of Class Action Settlement to Settlement Class Members will be June 8, 2016.

Dated: May 6, 2016

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Jesse A. Cripps

Theodore J. Boutrous, Jr., Esq.

Catherine A. Conway, Esq.

Jesse A. Cripps, Esq.

333 South Grand Avenue

Los Angeles, CA 90071-3197

*Attorneys for Defendants Bloomin' Brands, Inc.; OSI Restaurant Partners, LLC; Outback Steakhouse of Florida, LLC; OS Restaurant Services, LLC*

Dated: May 6, 2016

WOLF, RIFKIN, SHAPIRO,  
SCHULMAN & RABKIN, LLP

By: /s/ Justin C. Jones

Don Springmeyer, Esq.

Justin C. Jones, Esq.

Bradley Schrager, Esq.

3556 E. Russell Road, Second Floor

Las Vegas, Nevada 89120

*Attorneys for Plaintiffs*

**ORDER**

**IT IS SO ORDERED.**

Dated: May 10, 2016

  
UNITED STATES DISTRICT COURT JUDGE